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SUBJECT: G-TIP DISCUSSES HUMAN TRAFFICKING IN GUATEMALA

Sensitive but unclassified. Please protect accordingly.

¶1. (U) Summary: G-TIP Western Hemisphere Reports Officer Barbara Fleck visited Guatemala February 13-15 during a week-long regional trip. Fleck met with government officials and civil society leaders to discuss anti-trafficking efforts and the congressionally mandated Trafficking in Persons (TIP) Report. Fleck highlighted the global reach of TIP and suggested the "three-P" model of prevention, protection, and prosecution to combat the problem. Civil society leaders agreed on the need for a comprehensive approach, including reform of the Penal Code. Fleck acknowledged Guatemala's accomplishments and commitment to combat human trafficking, but noted the lack of services for victims and lack of prosecutions. Government officials cited lack of resources and a climate of impunity as serious impediments to anti-trafficking progress. End Summary.

¶2. (U) During a February 13-15 visit to Guatemala, G-TIP Western Hemisphere Reports Officer Barbara Fleck met with government officials and civil society leaders to highlight the issue of human trafficking. She discussed the role of G-TIP, anti-trafficking efforts, and the congressionally mandated TIP Report. She emphasized that human trafficking is a global problem that affects many countries, including the U.S., and estimated that 20,000 victims are trafficked into the U.S. each year. Fleck explained the TIP Report's country ranking system and urged development of a model that incorporates crime prevention, protection of victims, and prosecution of trafficking offenders, as outlined in the Palermo Protocol, to combat TIP. She acknowledged Guatemala's accomplishments and commitment, but noted the lack of services for victims and lack of prosecutions.

Anti-Trafficking Laws and Crime Prevention Efforts

¶3. (SBU) Congressional Human Rights Committee President Carlos Bautista (FRG) stressed the importance of preventive efforts. The Committee has been working closely with the Human Rights Ombudsman's Office to focus greater attention on prevention through public awareness. It has also been working to strengthen sanctions, especially for trafficking of minor victims. Bautista noted that proposed reforms to the Penal Code are pending in the Legislative Committee. Despite some "obstacles," including lack of agreement within civil society, Bautista remained hopeful that there was enough momentum to reach agreement on anti-trafficking legislation, in addition to dedicating resources for anti-trafficking activities in the GOG's budget for 2009.

¶4. (SBU) Civil society leaders acknowledged GOG progress in combating TIP, especially in passing the Organized Crime Law, but agreed on the need for legislative reform and greater

public awareness of TIP, a relatively new crime under Guatemalan law. Local USG-funded NGO Association Against Sexual Exploitation of Children and Adolescents (ECPAT/Guatemala) asserted that some authorities do not understand the crime of pandering, and many confuse TIP with alien smuggling. UNICEF Child Protection Specialist Justo Solorzano identified the key weakness of the 2005 anti-TIP law as the lack of a clear definition of the crime. Civil society leaders also pointed to systemic weaknesses, such as institutional corruption, lack of coordination among key law enforcement and justice sector institutions, lack of female police officers, and lack of continuity in the National Civil Police officers, and lack of continuity in the National Civil Police (PNC) due to frequent staff turnover. ECPAT estimated that only two percent of PNC officers are women. UNICEF's Solorzano suggested that the PNC's lack of institutional continuity has limited the long-term impact of training efforts.

¶5. (U) Casa Alianza National Director Claudia Rivera called for changes to the Penal Code, including criminalizing prostitution, strengthening penalties for human trafficking, and sanctioning clients of brothels and TIP-related crimes, such as pandering and operating a brothel. She estimated that Casa Alianza attends to 100 minor TIP victims per year, the majority of them from Honduras and El Salvador.

International Justice Mission (IJM) Director Pablo Villeda urged reform of laws against sexual abuse of minors. Currently, IJM is working on 50 cases of sexual abuse of minors, which includes trafficking cases as well as domestic child abuse cases. In May/June it will investigate bars in the high-crime "red zones" around Guatemala City to help rescue sexually exploited minors.

Victim Protection Efforts

¶6. (U) The Secretariat of Social Welfare currently operates seven generalized shelters for abandoned minors under 18 years of age, and 35 integral care centers for children up to 12 years of age. However, according to civil society leaders, the government lacks dedicated services for TIP victims. Most minor victims are referred by the GOG to NGOs, particularly to Casa Alianza, for care. But little government or NGO attention is provided to adult victims. Casa Alianza's Rivera observed that adult victims are treated more like criminals than victims due to a presumption that they, unlike child victims, engage voluntarily in commercial sexual activities. Foreign undocumented adult TIP victims are typically detained and deported, according to Rivera. Legal advisor Norma Palacios said that the Secretariat of Social Welfare would like to expand its shelter network, particularly to vulnerable populations in high-crime zones, but its budget of Q270 million (USD 36 million) is insufficient due to high anticipated costs of construction. She noted, in particular, the need for specialists and equipment for its victim assistance centers.

¶7. (U) In September 2007, the MFA opened a call center to provide referral assistance to TIP victims and other victims and to direct cases to the appropriate authorities. Consular and Migratory Affairs Director General Erick Maldonado estimated that the call center had been receiving an average of 50 calls per month but the numbers had dropped in recent months due to lack of publicity. He also reported that 23,063 Guatemalans were deported from the U.S. in 2007, and 2,004 were deported in the first two months of 2008. He noted that the consulates of Mexico, Honduras, and El Salvador had been instructed on the protocol for treatment and repatriation of TIP victims, and that the GOG had collaborated with civil society on a public awareness campaign in 2007.

Challenges to Mounting an Effective Response

¶8. (SBU) Government officials acknowledged the lack of prosecutions of TIP crimes in the broader context of impunity, particularly the lack of prosecutions of murders. They stressed the need for additional resources to train

judges and police investigators and to ensure the proper functioning of the Public Ministry's small witness protection program. PNC Anti-TIP Unit Chief Pedro Herrera said the PNC is not allocated specific funds to focus on TIP. The unit has five police agents and one vehicle, but lacks a surveillance mechanism, including cameras, to properly investigate TIP crimes. According to Herrera, traffickers in Guatemala generally operate in small informal networks, which do not involve organized crime but include Nicaraguans, Salvadorans, and Colombians utilizing authentic but illegally issued Guatemalan identification documents, typically originating from municipal authorities in more distant parts of the country. Chief of the Prosecutor's Office for Women Alma de Migoya raised corruption concerns and their possible link to sex tourism. Survivors Foundation Director Norma Cruz described the trafficking networks as very powerful, some with ties to high officials. She noted that if at least three suspected traffickers are captured in a raid, the crime can be prosecuted under the law against organized crime. However, judges fear retaliation from these powerful networks, which often leads to a reduction in criminal charges. Both GOG officials and NGO leaders expressed concern over leaks of information about pending raid and TIP investigations to criminal targets.

. (U) Alexander Colop, Chief of the Anti-TIP Unit in the Prosecutor's Office for Organized Crime, hopes to improve the model of investigation and prosecution of TIP crimes with his new unit, which began functioning in November 2007. Formerly housed within the Prosecutor's Office for Women, the unit provides greater visibility and focus to human trafficking. The staff of 12 works in close collaboration with NGOs. Colop estimated that approximately 60 percent of the unit's caseload are illegal adoption cases, and 40 percent are TIP cases. Prosecutor Migoya noted that the Public Ministry received 15,000 complaints of domestic violence and sexual abuse in 2006 and 8,000 complaints in 2007. She stressed the importance of expanding training to judges and prosecutors outside the capital, providing TIP training to police, increasing the number of female police officers, and improving the GOG's witness protection program.

Comment

¶10. (SBU) Civil society leaders and government officials all agree on the need to allocate greater resources to expand ongoing efforts to combat TIP, especially to provide greater assistance to adult victims and to prosecute traffickers. In a country where few crimes are prosecuted, government institutions are notoriously weak and controlled by organized crime, and government resources are limited, translating the government's anti-TIP efforts into a measurable increase in the number of prosecutions appears to be an enormous challenge. The International Commission Against Impunity in Guatemala, the law against organized crime, and the Public Ministry's new Anti-TIP unit under Colop's capable leadership are positive steps toward attaining this immensely difficult but worthy objective.

¶11. (U) G-TIP Barbara Fleck cleared this cable.
Derham